

## **STATEMENT BY THE OVERSEAS PRESS OF PUERTO:**

Congressional Briefing on alleged Federal Bureau of Investigation's procedural, criminal and constitutional violations.

March 28<sup>th</sup>, Rayburn Building. Room 212

Today, on behalf of the Overseas Press Club of Puerto Rico, I am submitting this statement for briefing for the Democratic Caucus of the Judiciary Committee which is investigating the incidents that took place in Puerto Rico on February 10, 2006. Just as journalists take an oath to be the vanguards of truth, you as Senators are sworn to uphold and defend the most sacred of all documents which form the foundation of the democracy of the United States -- the Constitution. The Overseas Press of Puerto Rico [OPC] understands the sacrifices incurred to protect and honor the Constitution. In particular the magnitude of the responsibility involved in ensuring that the First Amendment is safeguarded. The OPC has prepared this statement to guarantee that the First Amendment of the US Constitution is followed. It clearly states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." We believe that the tenets of this Amendment were violated on February 1, 2006 in Puerto Rico.

### **OVERSEAS PRESS CLUB**

The OPC was established in 1968, as the first journalist's organization in Puerto Rico. Currently, it has a membership of 215 journalists. Through its 38 years history the OPC has been in the forefront of efforts to ensure that the freedoms guaranteed under the First Amendment to the US Constitution prevail over any efforts, well meant or misguided, to limit the freedom that journalists must have to carry out their responsibilities. Among our many activities in Puerto Rico, the OPC offers our members support in regarding any incidents where individual freedoms are infringed upon. Also, the OPC offers continuing journalism education programs to our members and conferences with guest speakers to clarify various aspects of reporting media events with speakers from around the world, as well as leaders in Puerto Rico.

### **De Diego 444**

With those historical and constitutional principles in mind, we will proceed to outline the details of what from now on will be referred to: "*De Diego 444*" [FBI incident.]. On February 10<sup>th</sup>, the Federal Bureau of Investigation conducted multiple search warrants around Puerto Rico. No official communication was provided to the local authorities or media outlets. Governor Acevedo Vila made an official statement on February 13<sup>th</sup> in which he clearly states that the information submitted to his Office did not appear to have a relation to the actual events surrounding "*De Diego 444*". Approximately 30 journalists immediately gathered outside the Condominium at De Diego 444 as word spread that the warrant was supposedly connected to possible terrorist acts.

I was there covering the story in my individual capacity as a reporter for the Public Broadcasting System {TUTV channel 6 news}. When we arrived, I did not notice that any crime or investigation perimeter had been set for either the public or media. As journalists we started to interview people outside De Diego 444; at that point, no federal agent had any contact with any of the journalists onsite.

Within minutes, a person related to the owner of the apartment being raided in de Diego 444 opened the electronic gate of the complex and waved the members of the media inside. Then, unprovoked and unannounced, Federal Agents began to pepper spray members of the media, none of whom had any firearms or lethal weapons. However the FBI Agents {dressed in combat uniforms} continued to attack my fellow journalists, myself included. The worst was yet to come. Federal Agent José Figueroa Sancha committed the most abusive act of that day, attacking Noticentro's [channel 4] journalist Normando Valentin while he was on the floor and continued to pepper spray him.. This was the same agent who also pepper sprayed me for the second time.

### **AFTER DE DIEGO 444**

It took more than three hours for the Federal Bureau of Investigation to offer any formal explanation of these acts. To add insult to injury, the FBI instructed the local media to contact Mr. Harry Rodríguez for a formal Press Conference announced for 1:30 p.m. However, there was no official Press Conference held. Instead, an erroneous and misleading Press Release was distributed to the local media. In this release, the Bureau claimed that their abusive actions against the local media were justified by evidence of two local media people throwing objects at the FBI agents. After reviewing the raw footage, there did not appear to be any substantive proof of this claim.

Any act such as the one described above, normally would lead to a formal meeting with local media and Agency involved to open communication channels and to clarify procedures. The OPC requested a meeting with the FBI and to date have not received a reply. This has the appearance of a cover-up of FBI actions.

In addition, the commonwealth Justice Department announced it would conduct its own investigation of the *De Diego 444* incident. No further information of this investigation has been received.

## Findings.

On February 10<sup>th</sup>, 2006 the Federal Bureau of Investigation conducted a search based on an investigation into possible future terrorist attacks in Puerto Rico. No announcement was made to the proper government channels in the prescribed protocol designed for such interventions and media coverage of such events was not only sabotaged but also severely punished. To our organization that has all the elements of a government lead intervention. It does not seem possible that this incident occurred in a Nation that prides itself on being the home of democracy and liberty, where freedom of the press is not only a right but guaranteed under the First Amendment. The United States is recognized as a country that strongly defends its foreign policy in liberating "oppressed countries", especially those where no freedom of the press exists. The OPC, as representatives of a group of working journalists who dedicate their lives to providing the public with information on their governments actions: a right any democratic country should protect above all.

## Petitions

*De Diego 444* has many unanswered questions and requests. They are:

- (1) Copies of any report, if they exist at all, filed by the agents involved in *De Diego 444* incident.
- (2) Copies of the alleged video in which to member of the press are throwing objects at FBI agents.
- (3) A formal hearing of the full Committee on the Judiciary of the United States House of Representatives
- (4) That the formal hearing include an inquiry into the status and process of the Inspector General Investigation, as no information of interview with affected parties has been requested or conducted.

## Conclusions

"Democracies die behind closed doors (Judge Damon J. Keith, 6<sup>th</sup> U. S. Circuit Court of Appeals). This is one of the most important jurisprudence stemming from the Sixth Circuit Court of Appeals in reference to freedom of information. The previous and post incident handling of *De Diego 444* is the classic example impediment of the freedom of the press. We all aspire for our democracy to be the most inclusive and open so all of our citizens can live in the complete comfort that their law enforcing agencies are not abusing their fellow citizens nor journalists whose purpose is to inform them of their government's actions.

It is an obvious contradiction of the First Amendment when agents abuse their power while claiming to protect its citizens from attacks on their most precious right; their freedom. In this instance, the members of the media who were at *De Diego 444* were there to inform the country of our government agency's efforts to guarantee our peaceful existence.

Several civil liberties and very respected local organizations have offered their support to ensure that *De Diego 444's* abuses do not go unanswered. These include but are not limited to: the American Liberties Civil Unions, The Puerto Rico Lawyers Association, the Civil Liberties Commission and Amnesty International.

We thank you for letting us express our opinions and requests through this written statement and can only hope that we have convinced you that this is a just cause. We are sure that if a *De Diego 444* incident would have occurred in any of the states you represent, you would use the full force of your positions as Congressman to bring justice and to ensure full access to all affected local journalist. And as members of a Congress that overwhelmingly approved the use of force to bring liberty to foreign countries, we can only hope you will use the same, if not more force, to bring clarity to this blatant of abuse in your own jurisdiction, the Commonwealth of Puerto Rico.

The OPC is requesting your support in garnering the support of Congress, Democrats and Republicans, and this Committee in this just effort to bring justice to our journalists working to bring information to their fellow citizens. It is in circumstances such as these that brave leaders standup to bring clarity and justice to all who ask to continue strengthening the foundation of the First Amendment, which serves as the hallmark of democracy in the United States of America.

God bless you all,

Annette Alvarez

